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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,001

Applicant(s)

OEDA ET AL

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are presented for examination; claims 1, and 9-13 independent.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, and 5-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Douvikas et al. (USPN 6,691,158) (hereinafter Douvikas).

3. Referring to claim 1, Douvikas discloses an information apparatus (Figure 1, 110) comprising:

user-designated information acquiring means for acquiring sequential user-designated information (i.e. user identity location information as found in Figures 7A, 7B and 15) including information regarding selections made by a user (col. 5, line 67 to col. 6, line 21; col. 9, lines 10-24);

accuracy setting means for specifying accuracy setting information (i.e. privacy levels), said accuracy setting information including a ratio (i.e. how much and of what information pertaining to the user is disseminated to who) of disclosure of the acquired user designated information to the external device, whereby the user-designated information notifying means is controlled according to the accuracy setting information specified by the user-designated information accuracy setting means (Figure 7A, 720)

to thereby transmit log information which changes in accordance with time as the notification (i.e. contact and location information gathered by the ecard server) to the external device (outside user requesting user's ecard), said log information being obtained by restricting the user-designated information according to the accuracy setting information (only the information the user allows to be seen to the public is displayed to the other users) (col. 9, lines 1-27; Figures 7A-B).

4. Referring to claim 2, Douvikas discloses the log information is transmitted to the external device together with log accuracy information generated based on the accuracy setting information (i.e. only information allowed to be shown to the public, or marked semi-private, if the requestor is a trusted friend of the user, is shown on the screen, however blanks are shown where information is restricted to the viewer) (Figure 4).

5. Referring to claim 3, Douvikas discloses including AV function control means (i.e. controlling the display of information) including an Internet access function (Figure 1, 170), and wherein at least part of the user-designated information is contents selection information for the AV function control means (i.e. privacy levels) (col. 6, lines 1-22).

6. Referring to claim 5, Douvikas discloses including storing means configured to: store information, said stored information including part of the log information (i.e. database server (col. 4, line 61 to col. 5, line 3), and

transmit the stored information to the external device (Figure 4, whole figure is transmitted to the user; col. 5, lines 40-45).

7. Referring to claim 6, Douvikas discloses the user-designated information acquiring means acquires user-designated information from each of the external AV devices respectively having AV function control means (i.e. personal computers), which are independent of the information processing apparatus (col. 5, lines 5-21).

8. Referring to claim 7, Douvikas discloses the user-designated information acquiring means acquires user-designated information from a home appliance (i.e. a personal computer) independent of the information processing apparatus (col. 5, lines 5-21).

9. Referring to claim 8, Douvikas discloses a method for

- (a) receiving contents information, said contents information comprising both contents substantial information (i.e. user information) and contents selection information (i.e. whether it should be displayed) for specifying a method of reproducing at least part of the contents substantial information (i.e. determining what information should be transmitted to the external device, or the viewer), and
- (b) reproducing the contents substantial information, is determined according to the contents selection information and the user-designated information (Figure 4, whole figure).

10. Claims 9-18 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douvikas in view of Cooper et al. (USPN 6,754,904) (hereinafter Cooper).

12. Douvikas discloses the invention substantively as described in the claims above. Douvikas does not specifically state including pseudo information generating means configured to generate pseudo user-designated information, and wherein the user-designated information acquired from the user-designated information acquiring means is substituted with the pseudo user-designated information according to the accuracy setting information. In analogous art, Cooper discloses another information processing apparatus which is configured to generate pseudo user-designated information (i.e. labels stating "private", and wherein the user-designated information acquired from the user-designated information acquiring means is substituted with the pseudo user-designated information according to the accuracy setting information (i.e. instead of disclosing information, the "private" label is inserted indicating that the user wishes this information not to be disclosed) (Figure 11, 1110, 1108). It would be obvious to a

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person of ordinary skill in the art at the time the invention was made to combine the teaching of Cooper with Douvikas in order to allow people to know information about a user without disclosing information considered sensitive to the user, thereby increasing the user's privacy while still allowing others to know information about the user.

Response to Amendment

13. The Office acknowledges the amendments to claims 1, 3-6, and 8-18.

Response to Arguments

14. Applicants arguments pertaining to art rejections have been fully considered but are not persuasive.

15. In the remarks, Applicant argues, in substance, that (1) Dovikas does not describe sequential user-designated information which changes in accordance with time, and (2) Cooper does not replace information by substituting pseudo user-designated information to make it difficult to distinguish actual user log information from the pseudo information.

16. As to point (1) Applicant has not properly defined as to what is claimed by "sequential" information. Therefore the Office construes the definition commonly known in the art. TheFreedictionary.com definition of the term "sequential" is "one after another in some consecutive order such as by name or number". As shown in Figures

7A and 7B, this data is in a sequential order. Furthermore this information changes over time as stated above and in previous Office Actions (i.e. the location changes based on the date and expiration times). Applicant does not further limit as to *how* this information changes over time so therefore the broadest interpretation must be used. Furthermore this information is "information regarding selections made by a user" since a user must search the database in order to pull up the information which changes over time, which the system returns results (col. 5, lines 40-45).

17. As to point (2), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., substituting pseudo user-designated information to make it difficult to distinguish actual user log information from the pseudo information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
August 4, 2005



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